

**IN THE CLAIMS:**

This listing of claims will replace all prior versions, and listings, of claims in the application:

1-48. (Cancelled)

49. **(Currently Amended)** An optical apparatus having a telephone function, comprising:

an optical system with an optical element, the optical element having a variable focal length characteristic, that uses no polarizing plate, and forms an image whose brightness is independent of a polarized direction of incident light, the optical system comprising no lens element that moves along an optical axis;

an image pickup device for picking up an image formed by said optical system;

a display for displaying a picked up image; and

a memory for storing the picked up image;

wherein a single focusing element makes ~~variable~~ the focal point of said optical element variable ~~having the variable focal length characteristic; and~~

said focal length of said optical element having the variable focal length characteristic being independent of the polarized direction of the incident light.

50. (Previously Presented) The optical apparatus having the telephone function according to claim 49, further comprising a viewfinder for determining an image pickup range.

51. (Withdrawn) The optical apparatus having the telephone function according to claim 49, wherein said optical apparatus is manufactured by lithography.

52. (Withdrawn) The optical apparatus having the telephone function according to claim 49, comprising an infrared cut filter disposed in said optical system.

53. (Withdrawn) The optical apparatus having the telephone function according to claim 49, wherein said optical system has a function of an infrared cut filter.

54. (Withdrawn) The optical apparatus having the telephone function according to claim 49, comprising an optical element or an optical member that is manufactured by molding plastic, glass or the like as a material.

55. (Withdrawn) The optical apparatus having the telephone function according to claim 49, wherein said optical element having the variable optical characteristic is manufactured by molding plastic, glass or the like as a material.

56. (Previously Presented) The optical apparatus having the telephone function according to claim 49, comprising a diffractive optical element.

57. (Withdrawn) The optical apparatus having the telephone function according to claim 49, wherein said optical element having the variable optical characteristic is a lens having a variable focal length.

58. (Previously Presented) The optical apparatus having the telephone function according to claim 49, further comprising a microprocessor.

59. (Withdrawn) The optical apparatus having the telephone function according to claim 49, wherein said optical system has a bent optical axis.

60. (Withdrawn) The optical apparatus having the telephone function according to claim 49, wherein said optical system has a rotationally asymmetrical optical surface.

61. (Withdrawn) The optical apparatus having the telephone function according to claim 49, wherein said optical element having the variable optical characteristic is a reflection type optical element.

62. **(Currently Amended)** An optical apparatus having a telephone function comprising:  
an optical system having a focal point adjusting function which comprises an optical element having a variable focal length characteristic, uses no polarizing plate and forms an image whose brightness is independent of a polarized direction of incident light, the optical system comprising no lens element that moves along an optical axis;  
an image pickup device for picking up the image formed by said optical system;  
a display for displaying a picked up image;  
a memory for storing the picked up image; and  
a microprocessor;  
wherein a single focusing element makes ~~variable~~ the focal point of said optical element variable having the variable focal length characteristic; and  
said focal length of said optical element having the variable focal length characteristic being independent of the polarized direction of the incident light.

63-72. (Cancelled)

73. **(Currently Amended)** The optical apparatus having a telephone function according to claim 49 or 62, wherein ~~said member~~ said focusing element which makes the focal point variable is a liquid crystal layer.

74. **(Currently Amended)** The optical apparatus having a telephone function according to claim 49 or 62, wherein ~~said member~~ said focusing element which makes the focal point variable is a polymer dispersive liquid crystal.

75. **(Currently Amended)** The optical apparatus having a telephone function according to claim 49 or 62, wherein ~~said member~~ said focusing element which makes the focal point variable is a twist nematic liquid crystal layer.

76. **(New)** An optical apparatus having a telephone function, comprising:  
an optical system that forms an image and contains no lens element that moves along an optical axis;  
an optical element disposed within the optical system, the optical element having a variable focal length characteristic and comprising a polymer dispersive liquid crystal layer that varies a focal point of the optical element based on an application of an electric field, the focal length of the optical element and brightness of the formed image being independent of a polarized direction of the incident light;  
an image pickup device for picking up the formed image;  
a display for displaying the picked up image; and  
a memory for storing the picked up image.